

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHNNY MELTON,

Plaintiff,

v.

CASANDRA WRIGHT, et al.,

Defendant.

No. 09-599-DRH

ORDER

HERNDON, Chief Judge:

This matter is before the Court on the Report and Recommendation (“R&R”) issued pursuant to **28 U.S.C. § 636(b)(1)(B)** by United States Magistrate Judge Frazier (Doc. 15). The R&R’s conclusion, based on the Magistrate Judge’s review of the record and the applicable law is that Plaintiff’s cause of action should be dismissed for want of prosecution. Magistrate Judge Frazier concludes that Plaintiff’s cause should be dismissed because Plaintiff has failed to pay his partial filing fee and USM-285 forms that were mailed to him on two occasions were returned as undeliverable. The Report also states that Plaintiff has failed to keep the Court apprised of his current whereabouts.¹

The R&R was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” within fourteen days of service. The time

¹ The Court notes that it was informed of Plaintiff’s change of address on March 15, 2010 by the Illinois Department of Corrections (Doc. 12). The notice informed the Court that Plaintiff had been released from custody and that he had left a forwarding address. Upon receiving Plaintiff’s new address, the Court forwarded copies of the Order granting Plaintiff’s IFP status (Doc. 10) and the threshold Order (Doc. 11) to Plaintiff’s new address. However, the Orders were returned as undeliverable (Doc. 14).

period in which to file an objection has lapsed. Neither party has filed any objection.² Therefore, pursuant to **28 U.S.C. § 636(b)** this Court need not conduct a de novo review. ***Thomas v. Arn*, 474 U.S. 140, 149-52 (1985)**. Accordingly, the Court **ADOPTS** the R&R in its entirety and **DISMISSES without prejudice for want of prosecution** Plaintiff's § 1983 action against Defendants. The Court will close the file.

IT IS SO ORDERED.

Signed this 5th day of May, 2010.

/s/ David R. Herndon

**Chief Judge
United States District Court**

² A copy of the R&R was sent to Plaintiff's last known whereabouts but was returned as undeliverable. The letter was marked "Moved!" and stated that the document was unable to be forwarded (See Doc. 16).